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8 Attorneys for Plaintiff,
9 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

03/30/2023
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY SAN FRANCISCO
12 (Unlimited Jurisdiction)

13 MATEEL ENVIRONMENTAL
14 JUSTICE FOUNDATION,

CASE NO.

CGC-23-605530

15 Plaintiff,

16 v.

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

17 MACY'S RETAIL HOLDINGS, LLC;
18 MACY'S, INC.; MACY'S
MERCHANDISING GROUP, INC.;
19 BLOOMINGDALES, LLC,

TOXIC TORT/ENVIRONMENTAL

20 Defendants.
_____ /

21 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

22 INTRODUCTION

23 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
24 failure of defendants MACY'S RETAIL HOLDINGS, LLC; MACY'S, INC.; MACY'S
25 MERCHANDISING GROUP, INC.; BLOOMINGDALES, LLC, (hereinafter "Defendants"), to
26 give clear and reasonable warnings to those residents of California, who drink from leaded crystal
27 glassware that Defendants sell in California. Defendant sells leaded crystal wine glasses, high ball
28

1 glasses, cocktail glasses, decanters and other glassware that is made from leaded crystal and
2 contains lead at high levels. When beverages are stored in or served from this leaded crystal,
3 some of the lead leaches out of the crystal into the drink. A person who drinks from this crystal
4 thus ingests lead, a chemical known to the State of California to cause reproductive toxicity. This
5 causes an exposure to lead within the meaning of Health and Safety Code Section 25249.6.

6 2. Defendants sell leaded crystal throughout California, including in San Francisco.
7 Defendants' leaded crystal imparts lead to beverages that are stored in or served from it. This
8 causes exposure to lead, a chemical listed pursuant to 27 Cal. Code Regs. § 27001 as known to
9 cause male and female reproductive toxicity, as well as developmental toxicity.

10 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
11 to compel Defendants to bring their business practices into compliance with Health & Safety
12 Code section 25249.5 et seq. by providing a clear and reasonable warning to each individual who
13 has been and who in the future may be, exposed to lead by drinking from Defendants' leaded
14 crystal.

15 4. In addition to injunctive relief, Plaintiff seeks civil penalties to remedy the failure
16 of Defendants to provide clear and reasonable warnings regarding exposure to a chemical known
17 to cause male and female reproductive toxicity, as well as developmental toxicity.

18 PARTIES

19 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION ("Mateel") is
20 a non-profit organization dedicated to, among other causes, the protection of the environment,
21 promotion of human health, environmental education, and consumer rights. Mateel is based in
22 Arcata, California, and is incorporated under the laws of the State of California. Mateel is a
23 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement action
24 in the public interest pursuant to Health & Safety Code §25249.7(d).

25 6. Defendants are each a person doing business within the meaning of Health &
26 Safety Code Section 25249.11. Defendants are businesses that sell leaded crystal in California,
27 including in San Francisco County. Exposures to lead that are at issue in this case occur in the
28 City and County of San Francisco.

1 leaded crystal occur in San Francisco. Liability for Plaintiff's causes of action, or some parts
2 thereof, has accordingly arisen in San Francisco during the times relevant to this Complaint and
3 Plaintiff seeks civil penalties imposed by statute.

4
5 FIRST CAUSE OF ACTION
(Claim for Injunctive Relief)

6 12. Plaintiff realleges and incorporates by reference into this First Cause of Action, as
7 if specifically set forth herein, paragraphs 1 through 11, inclusive.

8 13. The People of the State of California have declared by referendum under
9 Proposition 65 (California Health & Safety Code § 25249.5 et seq.) their right "[t]o be informed
10 about exposures to chemicals that cause cancer, birth defects, and reproductive harm."

11 14. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates
12 that businesses that knowingly and intentionally expose any individual to a chemical known to the
13 State of California to cause cancer or developmental toxicity must first provide a clear and
14 reasonable warning to such individual prior to the exposure.

15 15. Since at least three years prior to the Notice of Violation Letter, Defendants have
16 engaged in conduct that violates Health and Safety Code Section 25249.6 et seq. This conduct
17 includes knowingly and intentionally exposing to lead, those California residents who drink
18 beverages that have been stored in or served from leaded crystal that Defendants sell at their their
19 stores throughout California. Defendant has not provided clear and reasonable warnings of the
20 exposure within the meaning of Health & Safety Code Sections 25249.6 and 25249.11.

21 16. At all times relevant to this action, Defendants knew that their leaded crystal was
22 causing exposures to lead. In spite of this knowledge, Defendants sold leaded crystal, the intended
23 use for which caused the lead exposures Defendants knew would occur.

24 17. By the above described acts, Defendants have violated Cal. Health & Safety Code
25 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition
26 65, to provide warnings to all present and future customers who buy leaded crystal Defendants sell
27 in California.

1 SECOND CAUSE OF ACTION
2 (Claim for Civil Penalties)

3 18. Plaintiff realleges and incorporates by reference into this Second Cause of Action,
4 as if specifically set forth herein, paragraphs 1 through 17, inclusive.

5 19. By the above described acts, Defendant are liable and should be liable pursuant to
6 Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500 per day for each individual
7 exposed without proper warning to lead when these individuals drank lead-contaminated
8 beverages from Defendants' leaded crystal.

9 PRAYER FOR RELIEF

10 Wherefore, plaintiff prays for judgment against DEFENDANT, as follows:

11 1. Pursuant to the First Cause of Action, that Defendants be enjoined, restrained, and
12 ordered to comply with the provisions of Section 25249.6 of the California Health & Safety Code;

13 2. Pursuant to the Second Cause of Action, that Defendants be assessed a civil
14 penalty in an amount equal to \$2,500.00 per day per individual exposed in violation of Section
15 25249.6 of the California Health & Safety Code to lead when they drank lead-contaminated
16 beverages from Defendants' leaded crystal;

17 3. That, pursuant to Civil Procedure Code § 1021.5, Defendants be ordered to pay to
18 Plaintiff the attorneys fees and costs it incurred in bringing this enforcement action.

19 4. For such other relief as this court deems just and proper.

20 Dated: March 30, 2023

KLAMATH ENVIRONMENTAL LAW CENTER

21 By 

22 William Verick
23 Attorney for Plaintiff
24 Mateel Environmental Justice Foundation



Klamath

ENVIRONMENTAL
LAW CENTER

March 16, 2022

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
P.O. BOX 70550
OAKLAND CA 94612-0550

ATTORNEY GENERAL COPY
CONTAINS OFFICIAL
INFORMATION PURSUANT TO
EVIDENCE CODE §1040

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") hereby provide notice that the private businesses listed on the accompanying Service List have been, are, will be and threaten to be in violation of Cal. Health & Safety Code §25249.6. This office and Mateel are both private enforcers of Proposition 65, both organizations may be reached at the below-listed address and telephone number, I may be considered a "responsible individual" at both organizations, and I may be contacted at the same address and telephone number. The above referenced violations occur when these businesses, doing business as Macy's and/or Bloomingdale's, market leaded crystal vessels such as decanters, tumblers, wine glasses, champagne flutes, and cocktail glasses (as for martinis) (collectively hereinafter "leaded crystal vessels") at Macy's and Bloomingdale's stores in California. Drinking beverages or eating food that has been stored in or served from leaded crystal vessels exposes people to lead and lead compounds, (hereinafter, collectively, "lead"). Lead leaches from the vessel into the food or beverage stored in, or served from, the vessel. The food or beverage is then ingested along with the accompanying lead. These exposures occur via the ingestion route of exposure. These violations have occurred every day since at least March 16, 2021, and will continue every day until reasonable warnings are given to those people exposed or until these businesses stop selling leaded crystal.

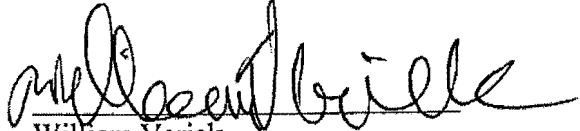
Cordially,

William Verick

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached notice(s) of violation in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings. I am the attorney for the noticing party. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

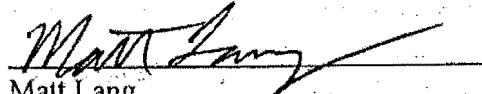
Dated: September 28, 2022


William Verick

CERTIFICATE OF SERVICE

I, Matt Lang, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 1125 Sixteenth Street, Suite 204, Arcata, California, 95521. On September 28, 2022, I caused the attached NOTICE OF VIOLATION LETTER, or a letter identical in substance, to be served by U.S. Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date and by U.S. Mail I caused the attached NOTICE OF VIOLATION and PROPOSITION 65: A SUMMARY to be sent by Certified U.S. Mail to the private business entities also listed on the attached SERVICE LIST. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 28, 2022, at Arcata, California.


Matt Lang

SERVICE LIST

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
POST OFFICE BOX 70550
OAKLAND, CA 94612-0550

OAKLAND CITY ATTORNEY
CITY HALL 6TH FLOOR
1 FRANK OGAWA PLAZA
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY
CITY OF SAN FRANCISCO
CITY HALL, ROOM 234
1 DR. CARLTON B. GOODLETT PLACE
SAN FRANCISCO, CA 94102-4682

OFFICE OF THE CITY ATTORNEY
CITY OF SACRAMENTO
915 I STREET, 4TH FLOOR
SACRAMENTO, CA 95814-2608

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
200 EAST SANTA CLARA STREET
SAN JOSE, CA 95113

OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES
200 N. MAIN ST.
LOS ANGELES, CA 90012

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO CONSUMER &
ENVIRONMENTAL PROTECTION
1200 THIRD AVENUE, SUITE 700
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ALAMEDA
1225 FALLON STREET ROOM 900
OAKLAND, CA 94612

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ALPINE
P.O. BOX 248
MARKLEEVILLE, CA 96120

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF AMADOR
708 COURT STREET
JACKSON, CA 95642

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF BUTTE
25 COUNTY CENTER DR.
OROVILLE, CA 95965

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF CALAVERAS
GOVERNMENT CENTER
891 MOUNTAIN RANCH ROAD
SAN ANDREAS, CA 95249

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF COLUSA
547 MARKET STREET
COLUSA, CA 95932

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF CONTRA COSTA
P.O. BOX 670
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF DEL NORTE
450 H ST #171
CRESCENT CITY, CA 95531

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF EL DORADO
778 PACIFIC STREET
PLACERVILLE, CA 95667

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF FRESNO
2220 TULARE ST #1000
FRESNO, CA 93721

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF GLENN
P.O. BOX 430
WILLOWS, CA 95988

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF HUMBOLDT
825 5TH ST.
EUREKA, CA 95501

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF IMPERIAL
940 W. MAIN STREET, SUITE 102
EL CENTRO, CA 92243-2880

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF INYO
P.O. DRAWER D
INDEPENDENCE, CA 93526

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KERN
1215 TRUXTUN AVE. FLOOR 4
BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KINGS
1400 W. LACEY BLVD.
HANFORD, CA 93230

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LAKE
255 N. FORBES ST # 424
LAKEPORT, CA 95453

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LASSEN
2950 RIVERSIDE DR, SUITE 102
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LOS ANGELES
18000 CRIMINAL COURTS BUILDING
210 W. TEMPLE ST.
LOS ANGELES, CA 90012

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MADERA
209 W. YOSEMITE AVE.
MADERA, CA 93637

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIN
HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIPOSA
P.O. BOX 730
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MENDOCINO
PO BOX 1000
UKIAH, CA 95482

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MERCED
2222 M ST.
MERCED, CA 95340

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MODOC
204 SOUTH COURT STREET
ALTURAS, CA 96101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONO
P.O. BOX 617
BRIDGEPORT, CA 93517

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONTEREY
142 W. ALISAL STREET, SUITE A
SALINAS, CA 93901

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF NAPA
1127 FIRST STREET, SUITE C
NAPA, CA 94559

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF NEVADA
201 COMMERCIAL STREET
NEVADA CITY, CA 95959

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ORANGE
300 NORTH FLOWER STREET
SANTA ANA, CA 92703

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLACER
10810 JUSTICE CENTER DR. STE 240
ROSEVILLE, CA 95678

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
520 MAIN STREET #404
QUINCY, CA 95971

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE
3960 ORANGE ST.
RIVERSIDE, CA 92501

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SACRAMENTO
901 G STREET
SACRAMENTO, CA 95814

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BENITO
419 4TH ST
HOLLISTER, CA 95023

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BERNARDINO
316 MT. VIEW AVE.
SAN BERNARDINO, CA 92415-0004

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO
330 W. BROADWAY, SUITE 1100
SAN DIEGO, CA 92101

SAN FRANCISCO DISTRICT
ATTORNEY'S OFFICE
350 RHODE ISLAND STREET
NORTH BUILDING, SUITE 400N
SAN FRANCISCO, CA 94103

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN JOAQUIN
222 E. WEBER AVE #202
STOCKTON, CA 95202

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93408

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN MATEO
HALL OF JUSTICE AND RECORDS
REDWOOD CITY, CA 94063

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA
1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
SANTA CRUZ, CA 95060

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SHASTA
1355 WEST STREET
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNIEVILLE, CA 95936

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SISKIYOU
P.O. BOX 986
YREKA, CA 96097

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SOLANO
600 UNION AVE
FAIRFIELD, CA 94533

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SONOMA
600 ADMINISTRATION DR. #2121
SANTA ROSA, CA 95403

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF STANISLAUS
1100 I ST. #200
MODESTO, CA 95354

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SUTTER
1160 CIVIC CENTER BLVD. #A
YUBA CITY, CA 95993

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TEHAMA
P.O. BOX 519
REDBLUFF, CA 96080

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TRINITY
P.O. BOX 310
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE
COURTHOUSE #224
VISALIA, CA 93291

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TUOLUMNE
2 S. GREEN ST.
SONORA, CA 95370

VENTURA COUNTY DISTRICT ATTORNEY'S
OFFICE
800 SOUTH VICTORIA AVE
VENTURA, CA 93009

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
301 SECOND STREET
WOODLAND, CA 95695

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

MACY'S RETAIL HOLDINGS, LLC
ELISA D. GARCIA, CEO
145 PROGRESS PLACE
SPRINGDALE, OH 45246

MACYS, INC.
MACY'S MERCHANDISING GROUP, INC.
JEFF GENNETTE, CEO
151 W 34TH ST
NEW YORK, NY 10001

MACY'S MERCHANDISING GROUP, INC.
JEFF GENNETTE, CEO
145 PROGRESS PLACE
SPRINGDALE, OH 45246

BLOOMINGDALE'S, LLC
TONY SPRING, CEO
145 PROGRESS PLACE
SPRINGDALE, OH 45246